

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 08 March 2005

In the Matter of:

VEGA BAJA COMPUTER CORPORATION, d/b/a
VEGA BAJA COMPUTER TRAINING CENTER,
Complainant

Case No. 2005-WIA-1

v.

U.S. DEPARTMENT OF LABOR,
Respondent

ORDER DISMISSING CASE WITH PREJUDICE

This case arises under the Workforce Investment Act (WIA), 29 U.S.C. § 2911 et seq. On January 13, 2005, I issued an order to the Complainant to show cause why the case should not be dismissed for failure to state a claim upon which relief can be granted, and mootness. On February 4, 2005, the Complainant submitted a request for voluntary dismissal without prejudice via facsimile. On the same day, I served a copy on his counsel and participant Human Resources Occupational Development Council of the Commonwealth of Puerto Rico ("HRODC"). On February 8, 2005, HRODC filed a response opposing dismissal without prejudice, requesting that the case be dismissed with prejudice. Pursuant to 29 CFR §§ 18.4 and 18.6, the other parties' replies to HRODC were due on February 23, 2005. No response having been filed by any party, I now find that HRODC's request should be granted.

IT IS THEREFORE ORDERED that this case is dismissed with prejudice.

A

ALICE M. CRAFT
Administrative Law Judge

Notice of Appeal Rights: The decision of the administrative law judge shall constitute final action by the Secretary of Labor unless, within 20 days of the judge's decision, a party dissatisfied with the decision has filed exceptions with the Secretary (Administrative Review Board) specifically identifying the procedure, fact, law, or policy to which exception is taken. Thereafter the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 30 days of such filing, has notified the parties that the case has been accepted for review. The petition for review must be filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Ave., N.W., Washington, D.C. 20210. A copy of any such petition must also be sent to the opposing party at that time. 20 C.F.R. § 667.830(b).